



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



259622

REPLY TO THE ATTENTION OF.

SEP 21 2006

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request to Conduct a Time-Critical Removal Action at the LaBour Pump Site, Elkhart, Elkhart County, Indiana (B5CM)

FROM: Fredrick A. Micke, On-Scene Coordinator
Emergency Response Branch 2 – Section 3

Theresa Holz, On-Scene Coordinator
Emergency Response Branch 2 – Section 3

TO: Richard C. Karl, Director
Superfund Division

THRU: Linda M. Nachowicz, Chief
Emergency Response Branch 2

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$235,000 in order to mitigate threats to public health, welfare, and the environment at the LaBour Pump Site in Elkhart, IN. The response action is necessary to address the release and the threat of future releases of various abandoned drums and hazardous materials.

The response actions to the release and potential release of hazardous materials will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), 42 U.S.C. § 9604(a)(1) to abate the further release into the environment. The presence of high levels of volatile organic compounds were found in various 55-gallon drums, including methyl-ethyl ketone with a concentration of 16,000 part per million (ppm) in close proximity to a residential area make this a time-critical removal action.

There are no nationally significant or precedent setting issues associated with the LaBour Pump Site. This Site is not on the National Priorities List.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# IN 005253398

The LaBour Pump Site is approximately 6 acres and is located at 1607 Sterling Ave, Elkhart, IN. The geographic coordinates of the Site are 41° 40' N. latitude and 85° 57' W. longitude. The Site is located in an area of mixed business and residential properties. Residential areas are located to the southwest and northeast of the site. Railroad tracks are located directly adjacent to the Site on the west side. An elementary school is a few blocks away.

In Region 5 Environmental Justice (EJ) Criteria for Indiana is: the low-income percentage is 58% or greater and/or the minority percentage is 28% or greater. To meet the environmental justice (EJ) criteria, the area within 1 mile of the Site must have a population that is twice the state low-income percentage and/or twice the state minority percentage. At this site, the low-income percentage is 52% and the minority percentage is 53%. Therefore, this Site does not meet the Region's EJ criteria based on demographics as identified in the "Region 5 Superfund EJ Analysis LaBour Pump Site, Elkhart, IN."

IDEM requested U.S. EPA's assistance after a site visit in September of 2005. The request was to assess site conditions to determine if an on-site threat to public health and the environment exists due to the presence of various containers in the building containing unknown materials. IDEM initially responded to a small spill in September 2005 when the presence of drums, totes, and oily trenches were observed. U. S. EPA received a signed access agreement by a registered agent on February 21, 2006.

A Site Assessment was conducted on April 28, 2006. Site activities included a site walkthrough to document site conditions, air monitoring, and multi-media sampling. During the site walkthrough, U.S. EPA observed that the site had unrestricted access from the north and from the parking area on Sterling Avenue. Many of the doors to the facility were unlocked. There were signs of trespassing throughout the buildings. Fluorescent light bulbs lay smashed on the floor and a majority of the facility's copper wiring had been stripped. The second floor of the office area appeared to have been used as temporary shelter; clothing and evidence of past small fires were evident. In addition, there was neither electrical nor water services at the Site.

U.S. EPA also observed approximately 100 drums/containers throughout the Site. Many of the drums/containers were empty. Totes, vats, pits, and miscellaneous small containers were located throughout the site. A boiler in disrepair and containing suspected asbestos containing material (ACM) was found in the boiler room and additional ACM (pipe wrap) was noted on the ground along the fence.

During the removal assessment, several different areas of suspected contamination were sampled. A sample was also collected from a 300 gallon tote that displayed a solvent odor. A metal trough containing oily liquid was also sampled. A former machine sump trough also thought to contain oil was sampled. One sample was collected from two drums containing a similar green lacquer material. These drums displayed photo ionization detector (PID) readings approaching 400 ppm. A 500 gallon tote containing white material with a noticeable odor was also sampled.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the LaBour Pump Site present an imminent and substantial endangerment to the public health, welfare, and the environment and meet the criteria for a time-critical removal action provided for in Section 300.415 (b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 C.F.R. Part 300. These factors include, but are not limited to the following:

- i) Actual or potential exposure to nearby populations, animals, or the food chain from hazardous substances or pollutants or contaminants:

Hazardous substances, including methyl ethyl ketone at a concentration of 16,000 ppm, were located at the Site which has unrestricted access and also showed signs of trespassing which could be conducive to disturbances of the various drums and totes on site.

- ii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release:

Analytical results indicate that high levels of chlorinated solvents including methyl ethyl ketone were present and could cause significant damage to the soil if spilled.

One drum also displayed highly flammable characteristics with a flash point under 70° F that could endanger the environment as well as nearby residents.

- iii) The availability of other federal or state mechanisms to respond to the release:

The State of Indiana has requested U.S. EPA's assistance in mitigating any potential threats at the abandoned LaBour Pump facility. The State of Indiana does not have the financial resources to eliminate this threat.

IV. ENDANGERMENT ASSESSMENT

Given the site conditions, the nature of the suspected hazardous substances on-site and the potential exposure pathways described in Sections II and III above, the actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in the Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

- 1) Develop and implement a Site Health and Safety Plan and Site Security Plan;
- 2) Collect, sample and characterize the contaminated contents of the various drums, containers, vats, and pits;
- 3) Bulk similar waste streams from drum, containers, vats and pits and transport and properly dispose of the containerized waste;
- 4) Decontaminate appropriate containers, floors, vats, etc. to eliminate potential continuous migration and threat and dispose of decon-water.
- 5) Conduct post removal sampling and analysis to verify completion of the removal.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with provisions of Section 300.415(1) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal site control.

The removal activities are expected to take 20 on-site working days to complete.

The detailed cleanup contractor cost is presented in Attachment #3; estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$174,800
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(This cost category includes estimates for: ERRS, subcontractors, Notices to Proceed, Interagency Agreements with other Federal Agencies. Includes 15% Contingency.)

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	\$ 21,000
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<u>Subtotal, Extramural Costs</u>	<u>\$195,800</u>
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Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	<u>\$ 39,200</u>
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TOTAL, REMOVAL ACTION PROJECT CEILING	\$235,000
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All hazardous substances, pollutants, or contaminants removed off Site pursuant to this removal action for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance as determined by U.S. EPA Off-Site Rule, 40 CFR § 300.440.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. An e-mail was sent to Mr. Harry Atkinson of IDEM asking for any State of Indiana ARARs which may apply.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed or no action will increase the potential that toxic hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$380,118.

$$\$235,000 + \$10,000 \text{ [Headquarters]} + (55.15\% \times \$235,000 + \$10,000) = \$380,118$$

Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct cost, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the LaBour Pump Site located in Elkhart, IN. It was developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend our approval of the proposed removal action. The total project ceiling, if approved, will be \$235,000. Of this, an estimated \$174,800 comes from the regional removal allowance. You may indicate your decision by signing below.

APPROVE: Richard Kal DATE: 9-21-06
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

Attachments

1. Administrative Record Index
2. Environmental Justice Analysis
3. Detailed Cleanup Contractor Cost Estimate
4. Independent Government Cost Estimate

cc: D. Chung, U.S. EPA 5202G
M. Chezick, U.S. Department of Interior, w/o Enf. Addendum
E. Admire, IDEM w/o Enf. Addendum

BCC PAGE

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)

ENFORCEMENT CONFIDENTIAL ADDENDUM

**LABOUR PUMP SITE
ELKHART, ELKHART COUNTY, INDIANA**

SEPTEMBER 2006

(REDACTED 3 PAGES)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**



ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR LABOUR PUMP SITE ELKHART, ELKHART COUNTY, INDIANA

ORIGINAL
SEPTEMBER 11, 2006

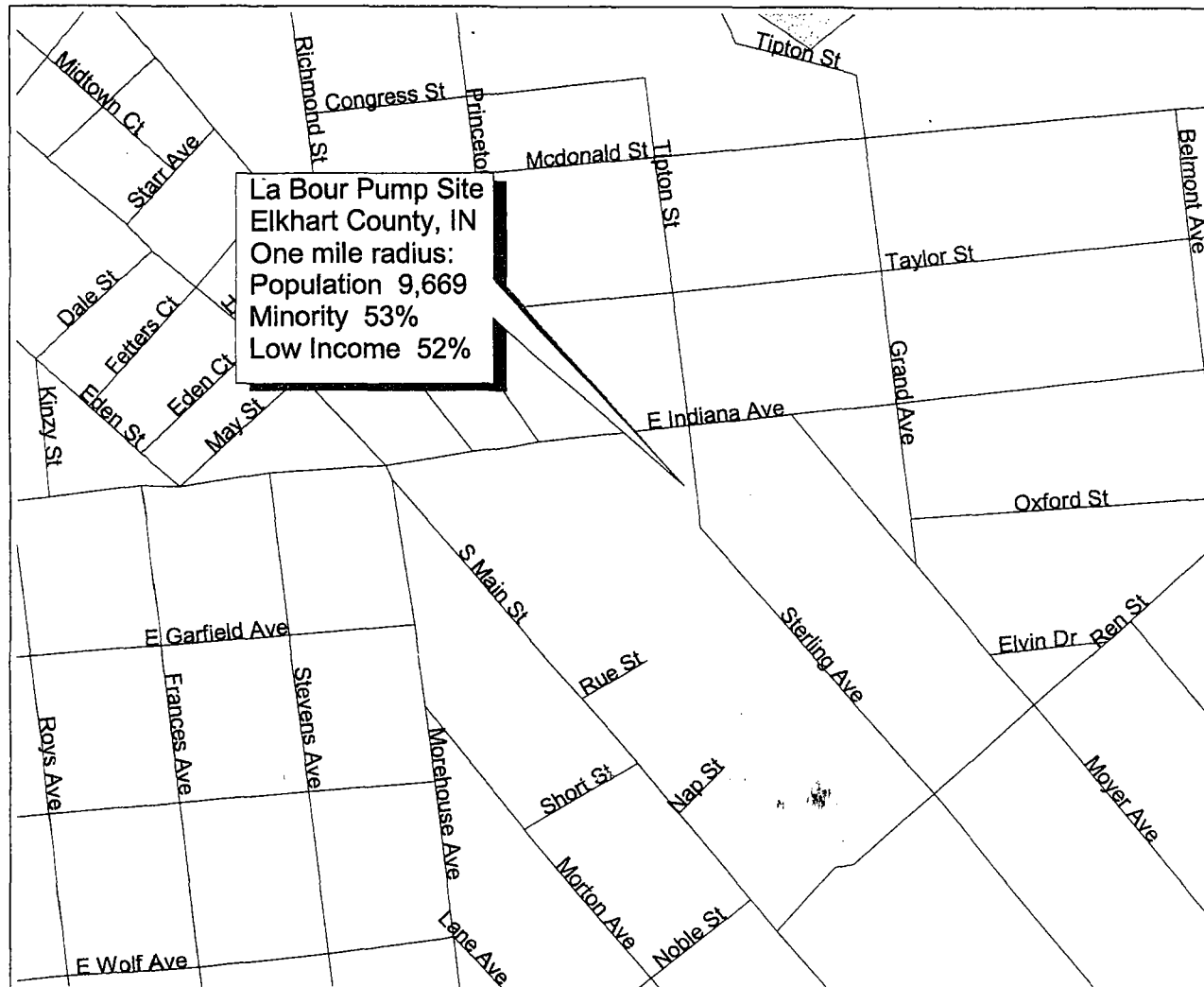
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/00	Micke, F. & T. Holz, U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request to Conduct a Time-Critical Removal Action at the LaBour Pump Site (PENDING)	

ATTACHMENT 2

**ENVIRONMENTAL JUSTICE
LABOUR PUMP
ELKHART, IN**

Region 5 Superfund EJ Analysis

La Bour Pump Site Elkhart, IN



State of Indiana averages:

Minority: 14%

Low Income: 29%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Indiana

Minority: 28% or greater

Low Income: 58% or greater

0 0.1 0.2 0.3 0.4 0.5 Miles



Date of Map: 5/15/06

Source of Map: Census 2000 Database/
ArcView 3.0

ATTACHMENT 3

DETAILED CLEANUP CONTRACTOR AND START ESTIMATE
LABOUR PUMP
ELKHART, IN
AUGUST 2006

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 4

INDEPENDENT GOVERNMENT COST ESTIMATE
LABOUR PUMP
ELKHART, IN
AUGUST 2006

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION